

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

ROOMS TO GO (P.R.), INC.,

Plaintiff,

v.

DANIEL HAMILTON, et al.,

Defendants.

Civil No. 09-1081 (ADC)

ORDER

Plaintiff, Rooms to Go (P.R.), Inc. ("plaintiff"), filed a complaint against, *inter alia*, Daniel Hamilton and Limpiomuebles.com ("defendants"), seeking damages and injunctive relief from defendants for their unauthorized use of plaintiff's registered name and trademark. **Docket No. 1.** On January 27, 2009, the case was referred to Magistrate-Judge Marcos E. Lopez (the "Magistrate-Judge"). **Docket Nos. 2, 3.** On February 19, 2009, defendants filed a pro-se motion to dismiss. **Docket No. 12.** On March 24, 2009, the Magistrate-Judge issued a Report and Recommendation ("R & R") which recommended denying defendants motion to dismiss. **Docket No. 18.** Objections to the R & R were due by April 16, 2009, but none were filed.

I. Standard of Review for Objections to A Report and Recommendation

A district court may refer pending motions to a magistrate-judge for a report and recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); L. Civ. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. 28 U.S.C. § 636(b)(1). However, "[a]bsent objection by the plaintiffs, [a] district court ha[s] a right to assume that [a party] agree[s] to the magistrate's recommendation." *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Accordingly, absent a proper objection, the court need only satisfy itself that there is no plain error in order to accept an unopposed Report and Recommendation. *Pellot-Bermudez v. U.S.*, Civ. No. 04-1702 (DRD), 2006 WL

3007480, *2 (D.P.R. Sept. 22, 2006).

II. Discussion/Conclusion

Upon review of the R & R, the court finds no reason to depart from the Magistrate-Judge's recommendation. More so, up to this date, defendants have failed to object to the R & R. Accordingly, the court **ADOPTS** the R & R in full (**Docket No. 18**), thereby denying defendant's motion to dismiss (**Docket No. 12**).

SO ORDERED

At San Juan, Puerto Rico, on this 17th day of April, 2009.

S/AIDA M. DELGADO-COLÓN
United States District Judge